

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                          |   |                   |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA | ) | 3:12-cr-392       |
|                          | ) |                   |
| v.                       | ) | Rearraignment     |
|                          | ) |                   |
| MIGUEL QUINTERO          | ) | February 28, 2013 |

BEFORE THE HONORABLE REED C. O'CONNOR  
*United States District Judge*  
*In Dallas, Texas*

FOR THE GOVERNMENT:

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The above styled and numbered cause was reported by  
computerized stenography and produced by computer.

1 (February 28, 2013.)

2 THE COURT: All right. Then I call for rearraignment  
3 case number 3:12-CR-0392, the United States versus  
4 Miguel Quintero.

5 MR. SCHALL: Jason Schall for the Government, Your  
6 Honor:

7 MS. BLACKNALL: Sharita Blacknall for the defendant.

8 THE COURT: Are you ready to proceed, ma'am?

9 MS. BLACKNALL: I am.

10 THE COURT: Okay. Very good. Mr. Quintero, would  
11 you, please, raise your hand and be sworn.

12 (Defendant sworn by the clerk at this time.)

13 THE COURT: Would you state your full name for the  
14 record.

15 THE DEFENDANT: Miguel Quintero.

16 THE COURT: Thank you, sir. Do you understand that  
17 you are now under oath and that if you answer any of my  
18 questions falsely your answers may later be used against you  
19 in a prosecution for perjury or making a false statement?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you read, write, and understand the  
22 English language?

23 THE DEFENDANT: Yes.

24 THE COURT: How old are you?

25 THE DEFENDANT: Nineteen.

1           THE COURT: What year were you born?

2           THE DEFENDANT: '93.

3           THE COURT: And how far did you go in school?

4           THE DEFENDANT: To the sixth.

5           THE COURT: To the sixth grade?

6           THE DEFENDANT: Yes, sir.

7           THE COURT: Are you now or have you been within the  
8 last six months under the care of a physician or a  
9 psychiatrist?

10          THE DEFENDANT: No.

11          THE COURT: Have you ever been hospitalized or  
12 treated for narcotics addiction or alcoholism?

13          THE DEFENDANT: No.

14          THE COURT: Do you suffer from any emotional or  
15 mental disability or problem?

16          THE DEFENDANT: No.

17          THE COURT: Are you now under the influence of  
18 alcohol or any other type of drug?

19          THE DEFENDANT: No.

20          THE COURT: Do you feel as if you are of sound mind  
21 and you fully understand what it is we're doing here today?

22          THE DEFENDANT: Yes.

23          THE COURT: Ms. Blacknall, do you have any reason to  
24 believe that your client is not fully competent to enter a  
25 plea of guilty in this case?

1           **MS. BLACKNALL:** No, I do not, Your Honor.

2           **THE COURT:** Is there any notice required by the  
3 Government to any victim under Title 18 U.S.C. § 3771?

4           **MR. SCHALL:** I do not believe so, Your Honor.

5           **THE COURT:** Mr. Quintero, you may, if you choose,  
6 plead not guilty to any offense charged against you and  
7 persist in that plea if it has already been made and if you  
8 plead not guilty the Constitution of the United States  
9 guarantees to you the following rights:

10           The right to a speedy trial by a jury in this  
11 district.

12           The right at such a trial for you to confront; that  
13 is, to see, hear, and cross-examine all witnesses against you.

14           The right to use the power and the process of the  
15 Court to compel the production of any evidence including the  
16 attendance of any witnesses in your favor.

17           The right to have the assistance of an attorney in  
18 your defense in all stages of the proceedings and, if  
19 necessary, an attorney would be appointed to represent you if  
20 you did not have an attorney.

21           At such a trial you could not be compelled to testify  
22 and whether or not you would testify would be a matter in  
23 which your judgment alone would control.

24           At such a trial the United States would be required  
25 to prove your guilt beyond a reasonable doubt and if you were

1 found guilty you would have the right to appeal your  
2 conviction.

3 Do you understand that you have and are guaranteed  
4 each of these constitutional rights?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** On the other hand, if you plead guilty,  
7 and if your plea is accepted, there will not be a further  
8 trial of any kind, so that by pleading guilty you waive the  
9 right to a trial as well as those other rights associated with  
10 a trial as I've described them.

11 Generally, a defendant who is accused of a crime  
12 cannot plead guilty unless he is actually guilty of the crime  
13 charged.

14 In federal court the judge determines the penalty if  
15 a defendant is convicted whether that conviction is on the  
16 verdict of a jury or upon a plea of guilty.

17 Now, I have not and I will not talk to anyone about  
18 the facts of your case except in your presence where you, your  
19 attorney, and representatives of the Government are all  
20 present. However, if a guilty verdict is entered, a  
21 Presentence Report will be prepared by the Probation  
22 Department and I will review it with -- and I may review it  
23 with the probation officers outside of your presence. I  
24 usually don't do that, but I do have the right to do that if I  
25 need to.

1           If you should be convicted, you and your attorney  
2     will be given an opportunity to present to the Court any pleas  
3     for leniency and the penalty will be decided on the basis of  
4     the facts heard here in open court.

5           You should never depend or rely upon any statement or  
6     promise by anyone whether connected with a law enforcement  
7     agency or the Government or your attorney or anyone else as to  
8     what penalty will be assessed against you. Any discussion of  
9     the penalty and the guideline range and how that might apply  
10    to you at this point is the best estimate that can be made as  
11    to how your specific facts fit into the guideline range, but  
12    it's an estimate only.

13          Should you decide to plead guilty, your plea of  
14    guilty must not be induced or prompted by any promises,  
15    pressure, threats, force, or coercion of any kind.

16          A plea of guilty must be purely voluntary and you  
17    should plead guilty only because you are guilty and for no  
18    other reason.

19          Do you understand each of my explanations about the  
20    process and the consequences of pleading guilty?

21               **THE DEFENDANT:** Yes.

22               **THE COURT:** Now, under the Sentencing Reform Act, the  
23    Sentencing Commission has issued advisory guidelines for  
24    judges to consider in determining the sentence in criminal  
25    cases. Have you and your attorney discussed how the

1 guidelines might apply in your case?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Even so, I need to tell you  
4 the following:

5 I am required to consider any applicable sentencing  
6 guidelines but I may sentence outside those guidelines if I do  
7 so reasonably.

8 I'm not bound by facts stipulated between you and  
9 your attorney on the one hand and the Government on the other.  
10 I can impose punishment that might disregard stipulated facts  
11 or take into account facts not mentioned in your stipulations  
12 and you might not be permitted to withdraw your plea of guilty  
13 in such an event.

14 I have -- I will not be able to determine the  
15 guideline sentence for your case until after a Presentence  
16 Report has been prepared and you and the Government have had  
17 an opportunity to challenge the facts and conclusions reached  
18 by the Probation Department.

19 You have the right to appeal your sentence and under  
20 some circumstances the Government has the right to appeal as  
21 well. If you waive your right to appeal your sentence then,  
22 of course, you would waive your right to do so.

23 Parole has been abolished and if you are sentenced to  
24 prison you will not be released on parole.

25 Do you understand all of the explanations that I've

1 given to you about the sentencing process?

2 THE DEFENDANT: Yes.

3 THE COURT: Have you received a copy of the  
4 indictment in this case?

5 THE DEFENDANT: Yeah.

6 THE COURT: And did you read it?

7 THE DEFENDANT: Yeah.

8 THE COURT: Did you understand the information  
9 contained in that document?

10 THE DEFENDANT: Yes.

11 THE COURT: Would you like to have that document read  
12 aloud here in open court this morning?

13 THE DEFENDANT: No.

14 THE COURT: All right. Well, since you've read it  
15 and you understood it, I will allow you to waive it. You do  
16 have the right to have explained to you the essential elements  
17 of the offense. These are the elements that the Government  
18 would be required to prove beyond a reasonable doubt if you  
19 were to elect to go to trial. I'll ask the Government to  
20 state those at this time.

21 MR. SCHALL: Your Honor, in order to establish the  
22 crime of conspiracy to possess with intent to distribute 500  
23 grams or more of a mixture or substance containing a  
24 detectable of the amount of methamphetamine, a Schedule II  
25 controlled substance, in violation of Title 21, United States



1 Code § 846, as set out in the indictment, the Government must  
2 prove the following elements beyond a reasonable doubt:

3 First, that the defendant and another person reached  
4 an agreement to distribute and possess with intent to  
5 distribute methamphetamine;

6 Second, that the defendant knew of the unlawful  
7 purpose of the agreement;

8 Third, that the defendant joined in the agreement  
9 willfully; that is, with the intent to further its unlawful  
10 purpose; and

11 Fourth, that the overall scope of the conspiracy  
12 involved 500 grams or more of a mixture or substance  
13 containing a detectable amount of methamphetamine.

14 THE COURT: Thank you. Now, Mr. Quintero, do you  
15 understand those elements?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you admit that you committed all  
18 of the essential elements of this offense?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, you have Ms. Blacknall appearing  
21 here today with you as your attorney. Do you feel as if  
22 you've had enough time to discuss the case and the charges  
23 that have been made against you with her?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you discussed the issue of

1 punishment with her and how the Sentencing Guidelines might  
2 apply in your case?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you satisfied with her  
5 representation?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, there's a plea agreement in this  
8 case. Is that right, Ms. Blacknall?

9 MS. BLACKNALL: It is, Your Honor.

10 THE COURT: I will ask the Government to summarize  
11 the plea agreement.

12 MR. SCHALL: Your Honor, the terms of the plea  
13 agreement which have been entered as document No. 151,  
14 summarizes the defendant's rights, which include the right to  
15 plead not guilty, to have a trial by jury, to have his guilt  
16 proven beyond a reasonable doubt, to confront and  
17 cross-examine witnesses, and a right against compelled self  
18 indiscriminate nation, waiver of those rights. It includes  
19 the acknowledgment of the maximum sentence possible in this  
20 case which includes imprisonment for a period of not less than  
21 10 years and up to life; a fine not to exceed \$10 million  
22 dollars or twice any pecuniary gain to the defendant or loss  
23 to the victims; a term of supervised release of not less than  
24 5 years, which is mandatory under the law; a mandatory special  
25 assessment of \$100; restitution to victims or to the

1 community, which is mandatory under the law and which the  
2 defendant agrees may include restitution arising from all  
3 relevant conduct not limited to that arising from offense of  
4 conviction alone.

5           Upon conviction of this offense the defendant is, in  
6 the discretion of the Court, subject to denial of any and all  
7 federal benefits, costs of incarceration, supervision, and  
8 forfeiture of property.

9           **THE COURT:** All right. Let me stop you there. Now,  
10 Mr. Quintero, let me ask you: Do you understand -- I want to  
11 go over again the full range of punishment that you face in  
12 this case, in particular the maximum punishment you face in  
13 this case, and answer any question you may have about that.  
14 But do you understand that if you are convicted in this case,  
15 which I understand you intend to plead guilty, if your plea is  
16 accepted that you face a term of imprisonment for a period of  
17 not less than 10 years nor more than life; a fine not to  
18 exceed \$10 million dollars; a term of supervised release of  
19 not less than 5 years and that once you're released, if you  
20 violate any condition of your supervised release, you could be  
21 returned to prison; a mandatory special assessment of \$100;  
22 restitution; denial of federal benefits; costs; and forfeiture  
23 of property.

24           **THE DEFENDANT:** Yes.

25           **THE COURT:** Do you have any questions at all about

1 any aspect of the maximum punishment or any other aspect of  
2 the range of punishment?

3 **THE DEFENDANT:** No.

4 **THE COURT:** Okay.

5 **MR. SCHALL:** Your Honor, the plea agreement goes on  
6 to summarize the Court's role and that of the Sentencing  
7 Guidelines address the mandatory special assessment.

8 It acknowledges the Defendant's agreement to provide  
9 certain information to the Government involving his personal  
10 financial history and his agreement includes in paragraph 7  
11 the forfeiture of property.

12 It lists the Government's agreement to dismiss other  
13 charges against him and not bring further charges based on his  
14 conduct.

15 It acknowledges there's penalties for violation of  
16 this agreement as well as stating that the plea is voluntary  
17 and acknowledging that the defendant waives his rights to  
18 appeal and acknowledging that there are certain immigration  
19 consequences inherent to a conviction for this offense.

20 It says in paragraph 13 that the Defendant is  
21 satisfied with his representation and concludes in paragraph  
22 14 that is the entirety of the agreement.

23 **THE COURT:** Okay. Mr. Quintero, let me talk to you  
24 about paragraph 11 of your plea agreement. As I mentioned,  
25 you have the right to appeal your conviction and sentence

1 unless you waive that right and in paragraph 11 it appears  
2 that you are waiving, to some degree, your right to appeal.

3 The last part of this document -- the last part of  
4 the sentence in this paragraph reads that you reserve your  
5 right to bring a direct appeal of a sentence exceeding the  
6 statutory maximum punishment or an arithmetic error made at  
7 sentencing, to challenge the voluntariness of your plea of  
8 guilty or this waiver, and to bring a claim of ineffective  
9 assistance of counsel.

10 So, do you understand though that you're reserving  
11 your right to appeal only on those grounds and, other than one  
12 of those grounds, you're in a very broad sense waiving your  
13 right to appeal or ever challenge your conviction or sentence  
14 in this court, a higher court, or any other court.

15 Do you understand that?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** And do you have any questions at all  
18 about your waiver of appeal?

19 **THE DEFENDANT:** No.

20 **THE COURT:** All right. Do you have any questions at  
21 all about any aspect of your plea agreement?

22 **THE DEFENDANT:** No.

23 **THE COURT:** All right, sir. Now, has anyone  
24 mentally, physically, or in any other way attempted to force  
25 you to plead guilty in this case?

1           **THE DEFENDANT:** No.

2           **THE COURT:** Other than your plea agreement, has  
3 anyone made any promise or assurance to you of any kind in an  
4 effort to induce you to enter a plea of guilty in this case?

5           **THE DEFENDANT:** No.

6           **THE COURT:** Do you understand that if your guilty  
7 plea is accepted you will be adjudged guilty of the offense  
8 charged by count one of the indictment and that your range  
9 of -- that your punishment will be assessed somewhere within  
10 the range of punishment provided by statute?

11          **THE DEFENDANT:** Yes.

12          **THE COURT:** Are you a citizen of the United States?

13          **THE DEFENDANT:** Yes.

14          **THE COURT:** That's good, because if you were not a  
15 citizen your conviction in this case could result in your  
16 deportation. But since you are a citizen, what you need to  
17 understand is that the offense to which you're pleading guilty  
18 is a felony. Conviction of a felony may deprive you of  
19 valuable rights of citizenship such as the right to vote, to  
20 hold public office, to serve on a jury, to possess any kind of  
21 firearm, and other valuable rights.

22               Do you understand that, sir?

23          **THE DEFENDANT:** Yes.

24          **THE COURT:** So, do you understand that if you plead  
25 guilty you are subject to all of the penalties and

1 consequences that we've gone over?

2 THE DEFENDANT: Yes:

3 THE COURT: Then having heard all of the foregoing,  
4 how do you plead to count one of the indictment, guilty or not  
5 guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: I'll accept your plea on the condition  
8 that there is a factual basis to support the plea. The  
9 factual basis is usually provided by a Factual Resume. I have  
10 one before me that is appropriately styled and numbered for  
11 this case. It is three pages long. It contains the signature  
12 of the attorneys for the Government, your attorney, and your  
13 signature.

14 Did you read the Factual Resume that was filed in  
15 this case as it relates to you?

16 THE DEFENDANT: Yes.

17 THE COURT: And did you understand the information  
18 contained in this document?

19 THE DEFENDANT: Yes.

20 THE COURT: In particular, are the facts contained in  
21 the stipulated facts portion of this document true and  
22 correct?

23 THE DEFENDANT: Yes.

24 THE COURT: And after assuring yourself that you  
25 understood this information and that this information was true

1 and correct, is that when you decided to sign this document?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Being satisfied with the responses  
4 given during this hearing, I make the following findings on  
5 the record:

6 In the case of the United States of America v.  
7 Miguel Quintero, case number 3:12-CR-0392, Mr. Quintero is  
8 fully competent and capable of entering an informed plea and  
9 his plea of guilty to count one of the indictment is a knowing  
10 and voluntary plea supported by an independent basis in fact  
11 containing each of the essential elements of the offense  
12 charged by count one of the indictment.

13 His plea of guilty is therefore accepted and he is  
14 now adjudged guilty of the offense charged by count one.

15 As I mentioned, a Presentence Report will be prepared  
16 to assist in sentencing and you will be asked to give  
17 information for that document.

18 Ms. Blacknall will be with you during that interview  
19 and she will explain to you any negative consequences that may  
20 occur if you are untruthful during that process.

21 You and your counsel and the Government each will be  
22 given an opportunity -- will be given this Presentence Report  
23 well before your sentencing and you all will have an  
24 opportunity to make comments on it and file objections to it.

25 The date and time for your sentencing will be before



1 me on July 25, 2013, at nine thirty a.m. and your Presentence  
2 Report is due to be disclosed on or before May 17, 2013. So  
3 be looking for it around that time period.

4 Is there anything else we should take up from the  
5 Government?

6 **MR. SCHALL:** Nothing, Your Honor.

7 **THE COURT:** From the defense?

8 **MS. BLACKNALL:** No, Your Honor.

9 **THE COURT:** Then we're in recess on this case. Good  
10 luck to you, Mr. Quintero. Thank you for being here.

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1 I, **DENVER B. RODEN**, United States Court Reporter for the  
2 United States District Court in and for the Northern District  
3 of Texas, Dallas Division, hereby certify that the above and  
4 foregoing contains a true and correct transcription of the  
5 proceedings in the above entitled and numbered cause.

6 **WITNESS MY HAND** on this 29th day of November, 2013.

7  
8  
9 /s/ Denver B. Roden

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